

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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October 26, 2021

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

It has been more than seven months since we first requested a hearing on the immigration crisis on the southwest border. Since that time, illegal border crossings are continuing at an unprecedented pace. U.S. border patrol agents are overwhelmed. Containment facilities are over capacity. The immigration courts are besieged. Yet, we have not had a hearing.

We write again to request that you hold a hearing on the crisis, which continues to worsen under the Biden Administration. We must hold senior Biden Administration officials to account and understand what they are doing to address this crisis and meet their obligations under the law. We need accountability and transparency. To that end, we request that you invite the Secretary of Homeland Security and senior officials at U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) to a full committee hearing.

During Fiscal Year 2021, there were over 1.7 million encounters along the southwest land border—the highest total ever recorded.¹ The past three months have each seen approximately 200,000 apprehensions each.² The vast majority of those apprehensions were illegal border crossers, apprehended by U.S. Border Patrol between ports of entry.³ And those numbers only represent the illegal aliens who were in fact apprehended. According to some estimates, over 400,000 individuals evaded detection entirely and entered the United States.⁴

¹ Miroff, Nick, *Border arrests have soared to all-time high, new CBP data shows*, WASH. POST (Oct. 20, 2021), available at https://www.washingtonpost.com/national/border-arrests-record-levels-2021/2021/10/19/289dce64-3115-11ec-a880-a9d8c009a0b1_story.html.

² *Id.*

³ Southwest Land Border Encounters, U.S. Customs and Border Protection, (Oct. 20, 2021) available at <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.

⁴ Giaritelli, Anna, *More than 400,000 sneaked over southern border and got away in past year, former Border Patrol head says*, WASH. EXAMINER (Oct. 5, 2021), available at <https://www.washingtonexaminer.com/news/many-sneaked-over-southern-border-and-got-away-in-past-year>.

Despite recent assurances by the Secretary of Homeland Security and other Administration officials that the border is not open, DHS personnel are releasing many illegal aliens into the interior. Since March 20, 2021, at least 160,000 aliens encountered by DHS personnel were released into the United States and not removed under the immigration laws or expelled under public health authorities.⁵ Many—almost 100,000 since March—were not even issued a Notice to Appear in immigration court by CBP, but were simply asked to report to an ICE office upon reaching their ultimate destination for further processing. Unsurprisingly, a large percentage of those individuals are failing to report to ICE as directed.⁶

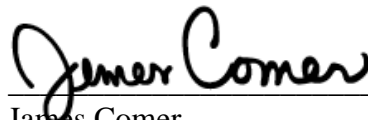
Despite the Committee Democrats' best efforts to ignore this worsening problem, this crisis is not going away. It is in a need of our oversight. Our Committee cannot and should not be sidelined merely because a member of your own party occupies the White House. We once again ask you to schedule a hearing to conduct oversight on the crisis at the southwest border and the Biden Administration's plans to get control of the situation. The Committee should hear from Administration witnesses to understand whether there is a strategy, and if so, what the strategy is to address the crisis.

Thank you for your attention to this important request.

Sincerely,



Pat Fallon
Member of Congress



James Comer
Ranking Member
Committee on Oversight & Reform

⁵ Melugin, Bill & Adam Shaw, *Leaked Border Patrol docs show mass release of illegal immigrants into US by Biden administration*, FOX News (Oct. 13, 2021), available at <https://www.foxnews.com/politics/leaked-border-patrol-docs-release-immigrants-us-biden-administration>.

⁶ Kight, Stef W, *Scoop: 50,000 migrants released; few report to ICE*, AXIOS NEWS (Jul. 27, 2021), available at <https://www.axios.com/migrant-release-no-court-date-ice-dhs-immigration-33d258ea-2419-418d-abe8-2a8b60e3c070.html>